

WEDNESDAY, MARCH 29, 1989

TWENTY-SIXTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Rev. Robert Parrish, First Christian Church, Shelbyville, Tennessee.

Representative Pete Phillips led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray
-- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

The Speaker announced that Representative Tim Garrett was excused because of a doctor's appointment.

REPORT OF CHIEF ENGROSSING CLERK
March 28, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House

WEDNESDAY, MARCH 29, 1989 -- TWENTY-SIXTH LEGISLATIVE DAY

Bill(s) No(s). 87, 189, 190, 205, 208, 210, 211, 212, 216, 217, 223, 231, 254, 457, 629, 631, 702, 777, 913, 914, 1155, 1435, 1439, 1440, 1442, 1444, 1445, 1448 and 1449; and House Joint Resolution(s) No(s). 144, 148, 149, 150, 151, 153, 154, 155, 166 and 167; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
March 28, 1989

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 27, 48, 122, 260, 318, 346, 435, 471, 510, 657, 665, 787, 819, 883, 1027, 1247, 1300 and 1467; and Senate Joint Resolution(s) No(s). 118, 123, 124, 125, 126, 128, 129, 130, 131, 133, 135, 136, 137, 138, 139, 140 and 141.

ENROLLED BILLS
March 28, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 96; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
March 28, 1989

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 96.

MESSAGE FROM THE SENATE
March 28, 1989

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 96; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
March 28, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 96; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

RULES SUSPENDED

Rep. King moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 200 out of order, which motion prevailed.

House Joint Resolution No. 0200 -- Memorials, Condolence -- Honors memory of Harriette Walker. by *King, *Jones R, *DeBerry, *Turner L, *Jones U.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. King, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

| | |
|---------------|----|
| Ayes. | 96 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. King moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 201 out of order, which motion prevailed.

House Joint Resolution No. 0201 -- Memorials, Condolence -- Honors memory of Lottie Thompson Brooks, prominent educator. by *King, *Jones R, *DeBerry, *Turner L, *Jones U.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. King, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

| | |
|---------------|----|
| Ayes. | 97 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. McDaniel moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 196 out of order, which motion prevailed.

House Joint Resolution No. 0196 -- Memorials, Professional Achievement -- Congratulates Harold Griggs on receiving Rotarian of the Year award. by *McDaniel, *Sipes.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. McDaniel, the resolution was adopted by the following vote:

| | |
|---------------|----|
| Ayes. | 95 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Naifeh moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 202 out of order, which motion prevailed.

House Joint Resolution No. 0202 -- Memorials, Personal Achievement -- Congratulates Helen Ballard on being named Tennessee's Mother of the Year. by *Naifeh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Naifeh, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

| | |
|---------------|----|
| Ayes. | 96 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love,

McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Shirley moved that the rules be suspended for the purpose of introducing House Resolution No. 13 out of order, which motion prevailed.

House Resolution No. 0013 -- Memorials, Personal Achievement -- Honors Ordinary People's award winners. by *Shirley.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Shirley, the resolution was adopted by the following vote:

| | |
|---------------|----|
| Ayes. | 93 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 0680 -- Revenue, Dept. of -- Requires notification to local government if a taxpayer challenges an assessment of taxes levied by local government. Amends TCA, Title 67.

Rep. Holcomb moved that House Bill No. 680 be passed on third and final consideration.

Rep. Holcomb moved to amend as follows:

Amendment No. 1

Amend House Bill No. 680 by substituting language for Section 1 so that it shall read as follows:

SECTION 1. Tennessee Code Annotated, Section 67-1-102, is amended by adding a new subsection thereto as follows:

(c) The commissioner shall have the duty to periodically advise the local governments to which the state distributes funds collected by the department that the anticipated receipts from any designated distribution of funds to any unit of local government may increase due to larger than normal tax collections during a collection period. The commissioner shall also have the duty to periodically advise such local governments that the anticipated receipts from any such designated distribution of funds may decrease due to unanticipated refunds of taxes made to taxpayers.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Holcomb moved that House Bill No. 680, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 98 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

House Bill No. 0381 -- Workers' Compensation -- Allows hospital records to be furnished to certain people in workers' compensation claims. Amends TCA 50-6-204.

Rep. Scruggs moved that House Bill No. 381 be passed on third and final consideration.

Rep. Ellis moved to amend as follows:

Amendment No. 1

Amend House Bill No. 381 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 50-6-204(a)(2), is amended by deleting the first sentence in its entirety and by substituting instead the following:

Any hospital in which the employee may have been hospitalized shall, within thirty (30) days of admission, also release their medical records to both the employee and the employer upon the request of either. The set of records for the employee may be released to either the employee or to the employee's attorney; the set of records for the employer may be released to either the employer, the insurer, a claims representative, or an attorney representing the employer or the insurer. Only the records pertaining to the current admission shall be released under this act.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Scruggs moved that House Bill No. 381, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 97 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C.

(Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

House Bill No. 0853 -- Taxes, Business -- Increases business tax for transient vendors. Amends TCA, Title 67.

Rep. Clark moved that House Bill No. 853 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 89 |
| Noes. | 6 |
| Present and not voting. | 2 |

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Mr. Speaker Murray -- 89.

Representatives voting no were: Armstrong, Coffey, Harrill, Moody, Whitson, Wood -- 6.

Representatives present and not voting were: Holcomb, Yelton -- 2.

A motion to reconsider was tabled.

House Bill No. 0077 -- Firearms and Ammunition -- Provides period of time during which sheriff must conduct a background investigation prior to the sale of a handgun. Amends TCA 39-6-1704.

Rep. Pruitt moved that House Bill No. 77 be reset to the Calendar for Wednesday, April 12, 1989, which motion prevailed.

***House Bill No. 0458** -- Bonds and Undertakings, Regulation of -- Requires sureties on criminal appearance bonds to remain liable until sentence is imposed or released by court. Amends TCA 40-11-138.

Rep. Buck moved that House Bill No. 458 be passed on third and final consideration, which motion prevailed by the following vote:

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|---------------|----|
| Ayes. | 95 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 0075 -- Law Enforcement -- Grants federal law enforcement officers the authority to enforce state law under certain circumstances. Amends TCA, Title 38, Ch. 3, Pt. 1.

On motion, House Bill No. 75 was made to conform with Senate Bill No. 6.

On motion, Senate Bill No. 6, on same subject, was substituted for House Bill No. 75.

Rep. Buck moved that Senate Bill No. 6 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 6 by deleting subsections (a) and (b) of the amendatory language of SECTION 1 and substituting instead the following:

(a) He reasonably believes that the person arrested has committed a felony in his presence or is committing a felony in his presence; or

(b) He reasonably believes the person arrested has committed a misdemeanor that amounts to a breach of the

peace in his presence or is committing such a misdemeanor in his presence; or

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Buck moved that Senate Bill No. 6, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 92 |
| Noes. | 4 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

Representatives voting no were: Hubbard, Moore (Shelby), Stallings, Whitson -- 4.

Representatives present and not voting were: Moody -- 1.

A motion to reconsider was tabled.

House Bill No. 0806 -- Sentencing -- Requires pre-sentence reports on all locally sentenced felons. Amends TCA 40-35-209.

On motion, House Bill No. 806 was made to conform with Senate Bill No. 868.

On motion, Senate Bill No. 868, on same subject, was substituted for House Bill No. 806.

Rep. DeBerry moved that Senate Bill No. 868 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 95 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 0728 -- Utilities, Utility Districts -- Increases fees for inspection of gas pipeline systems. Amends TCA, Title 65, Ch. 28.

On motion, House Bill No. 728 was made to conform with Senate Bill No. 443.

On motion, Senate Bill No. 443, on same subject, was substituted for House Bill No. 728.

Rep. Bivens moved that Senate Bill No. 443 be passed on third and final consideration.

Rep. Bragg moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 443 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 65-28-110, is amended by adding the following at the end of subsection (a):

The fees collected pursuant to this section shall be used to fund the commission's gas safety inspection program and shall be segregated in an account so designated.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Bivens moved that Senate Bill No. 443, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 88 |
| Noes. | 4 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Harrill, Hassell, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Naifeh, Napier, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

Representatives voting no were: Halteman, Haun, Moore (Shelby), Stamps -- 4.

A motion to reconsider was tabled.

House Bill No. 0720 -- Real Estate Agents and Brokers -- Requires real estate agents to carry errors and omission coverage; requires real estate commission to provide group coverage. Amends TCA, Title 82, Ch. 13.

On motion, House Bill No. 720 was made to conform with Senate Bill No. 216.

On motion, Senate Bill No. 216, on same subject, was substituted for House Bill No. 720.

Rep. Bivens moved that Senate Bill No. 216 be passed on third and final consideration.

Rep. Shirley moved to amend as follows:

Amendment No. 1

AMEND Senate Bill No. 216 by deleting from Section 1, subsection (a) in its entirety and by substituting instead the following:

(a) Each licensee who is licensed under this chapter may carry errors and omissions insurance to cover all activities contemplated under this chapter.

AND FURTHER AMEND by deleting from Section 1, subsection (f), the second sentence and by substituting instead the following:

A statement shall be filed with the commission by the license renewal date by each licensee who elects not to participate in the insurance program administered by the commission.

AND FURTHER AMEND by deleting from Section 1, subsection (h) in its entirety and by substituting instead the following:

(h) The errors and omissions coverage permitted by this act shall be effective on a voluntary basis for licenses granted or renewed on or after December 31, 1990.

Rep. Collier moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 77 |
| Noes. | 6 |
| Present and not voting. | 2 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bragg, Buck, Burnett, Cain, Callicott, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Duer, Gaia, Givens, Good, Gunnels, Halteman, Hassell, Haun, Hawkins, Head, Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kisber, Love, McAfee, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood -- 77.

Representatives voting no were: Ellis, Kernell, Moody, Niceley, Shirley, Wolfe -- 6.

Representatives present and not voting were: Hobbs, Yelton -- 2.

Therefore, Rep. Bivens moved that Senate Bill No. 216 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 90 |
| Noes. | 6 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson,

Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Good, Gunnels, Halteman, Hassell, Haun, Hawkins, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 90.

Representatives voting no were: Givens, Harrill, Henry (Putnam), Moody, Shirley, Wolfe -- 6.

A motion to reconsider was tabled.

House Bill No. 0669 -- Uniform Commercial Code -- Provides for perfection of security interests in rental payments granted, transferred, pledged, or assigned. Amends TCA 66-24-101; Title 66, Ch. 26.

Rep. Bivens moved that House Bill No. 669 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 95 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 0811 -- Insurance, Motor Vehicles -- Clarifies premium reduction for completion of a motorcycle training course. Amends TCA 55-51-106.

Rep. Bivens moved that House Bill No. 811 be passed on third and final consideration.

Rep. Rhinehart moved to amend as follows:

Amendment No. 1

Amend House Bill No. 811 by deleting from the amendatory language of Section 1 the language "two (2) years" wherever it may appear and by substituting instead the language "three (3) years".

On motion, Amendment No. 1 was adopted.

Rep. Bivens moved that House Bill No. 811, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 93 |
| Noes. | 2 |

Representatives voting aye were: Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives voting no were: Severance, Williams -- 2.

A motion to reconsider was tabled.

***House Bill No. 0368 -- Handicapped Persons -- Adopts American Sign Language as official language for deaf persons. Amends TCA, Title 49, Ch. 10, Pt. 9.**

Rep. Scruggs moved that House Bill No. 368 be passed on third and final consideration.

Rep. Davidson moved to amend as follows:

Amendment No. 1

Amend House Bill No. 368 by deleting Sections 1 and 2 by substituting instead the following:

SECTION 1.

(a) American Sign Language is hereby recognized and adopted as the official and native sign language of the deaf in Tennessee.

(b) By this enactment, it is the intent of the general assembly:

(1) to formally express its respect for American Sign Language;

(2) to promote public awareness of and appreciation for American Sign Language, its use, and its benefits;

(3) to preserve the culture and heritage of American Sign Language; but

(4) not to impact the curriculum of Tennessee schools and state special schools.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Scruggs moved that House Bill No. 368, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 96 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

House Bill No. 0624 -- Banks and Financial Institutions --
Permits state banks to operate as principals and agents for each other under certain circumstances. Amends TCA 45-2-614.

On motion, House Bill No. 624 was made to conform with Senate Bill No. 744.

On motion, Senate Bill No. 744, on same subject, was substituted for House Bill No. 624.

Rep. Davis (Knox) moved that Senate Bill No. 744 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 98 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

***House Bill No. 1422 -- Opticians --** Limits number of terms a person can serve on board of dispensing opticians. Amends TCA 63-14-101.

Rep. Kent moved that House Bill No. 1422 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 93 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis,

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Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Napier, Niceley, Nuber, Odom, Peroulas, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

House Bill No. 0788 -- Banks and Financial Institutions -- Revises authority of banks concerning securities and investment functions. Amends TCA 45-2-607. Repeals TCA 45-2-615.

On motion, House Bill No. 788 was made to conform with Senate Bill No. 863.

On motion, **Senate Bill No. 863**, on same subject, was substituted for House Bill No. 788.

Rep. Wheeler moved that Senate Bill No. 863 be passed on third and final consideration.

Rep. Duer moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 863 by adding a new subsection to Section 1, as follows:

(h) (1) Any state bank, or securities broker dealer which offers both insured deposit accounts, including but not limited to insured management accounts or insured certificates of deposit, and non-insured investments shall in any advertisement, brochure, prospectus or other advertising statement and in documents opening a customer account provide the disclosures provided below.

(2) The disclosure required above shall with regard to any such account or investment offering indicate:

(i) In the case of a non-insured investment the fact that the investment is not insured; and

(ii) In the case of an insured deposit account or insured certificate of deposit the fact that such deposit is insured. In addition, prior to the acceptance of a deposit or sale of a certificate of deposit the bank or securities broker dealer shall disclose the name of the insured institution where the

deposit is/will be located if other than the institution accepting or selling the deposit.

(iii) Compliance with the disclosure requirements of the FDIC under 12 C.F.R. 337.4 or Part 328 applicable to such investments, insured deposits, or institutions shall be deemed to comply with this section. The provisions of this section shall not entitle any bank or securities broker dealer to advertise that such institution is a federally insured institution in violation of applicable federal rules.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Wheeler moved that Senate Bill No. 863, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 92 |
| Noes. | 2 |
| Present and not voting. | 3 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

Representatives voting no were: Niceley, Shirley -- 2.

Representatives present and not voting were: Byrd, Hobbs, Moody -- 3.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 1422 and have this statement entered in the Journal.

Rep. Shirley Duer

House Bill No. 0530 -- Purchasing -- Requires state to pay lesser of asking price or appraisal price for land acquired. Amends TCA, Title 12, Ch. 1.

Rep. Crain moved that House Bill No. 530 be passed on third and final consideration.

Rep. Severance moved the previous question, which motion prevailed.

Thereupon, Rep. Crain moved that House Bill No. 530 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 71 |
| Noes. | 23 |

Representatives voting aye were: Armstrong, Bell, Bittle, Bragg, Burnett, Byrd, Cain, Chiles, Coffey, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Good, Gunnels, Halteman, Harrill, Hassell, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holt, Jackson, Jones, R. (Shelby), King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 71.

Representatives voting no were: Anderson, Bivens, Callicott, Clark, Collier, Cross, Dixon, Duer, Gaia, Givens, Haun, Holcomb, Hubbard, Kent, Kernell, Miller, Peroulas, Purcell, Ridgeway, Shirley, Ussery, Whitson, Yelton -- 23.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. DeBerry moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 204 out of order, which motion prevailed.

House Joint Resolution No. 0204 -- Memorials, Public Service -- Congratulates Beth Fortune on winning the "National Chair's Award" from the National Women's Political Caucus. by *DeBerry, *Williams K, *Pruitt, *Halteman, *Wolfe, *Hassell, *Peroulas, *Duer, *Turner B, *Gaia.

On motion, the rules were suspended for the immediate consideration of the resolution.

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On motion of Rep. DeBerry, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

| | |
|---------------|----|
| Ayes. | 97 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on House Bill No. 530 and have this statement entered in the Journal.

Rep. Shirley Duer

REGULAR CALENDAR, CONTINUED

House Bill No. 0996 -- Civil Service -- Allows promotional or employment list for state jobs to remain in force indefinitely. Amends TCA 8-30-308.

Rep. West moved that House Bill No. 996 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 86 |
| Noes. | 10 |

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Halteman, Harrill, Hassell, Haun, Hawkins, Head,

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Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Naifeh, Napier, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 86.

Representatives voting no were: Armstrong, Byrd, Gunnels, Moore (Shelby), Niceley, Robinson (Washington), Sipes, Stamps, Whitson, Wolfe -- 10.

A motion to reconsider was tabled.

House Bill No. 1197 -- Local Education Agency -- Requires opening of schools after Labor Day; provides certain exceptions. Amends TCA, Title 49.

Further consideration of House Bill No. 1197, previously considered on March 23 and March 27, 1989, at which time it was reset to the Calendar for March 29, 1989.

On motion, House Bill No. 1197 was made to conform with Senate Bill No. 959.

On motion, **Senate Bill No. 959**, on same subject, was substituted for House Bill No. 1197.

Rep. Davidson moved that Senate Bill No. 959 be passed on third and final consideration.

MOTION

Rep. Bivens requested that a roll call be taken for the purpose of determining the number of members in the chamber, which motion prevailed with the following result:

Present 97

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier,

Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

REGULAR CALENDAR, CONTINUED

Rep. Robinson (Hamilton) moved the previous question, which motion failed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 56 |
| Noes. | 37 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Buck, Callicott, Chiles, Clark, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Good, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Hillis, Hobbs, Holt, Huskey, Kent, King, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Nuber, Odom, Peroulas, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner, L. (Shelby), Webb, West, Wheeler, Williams, Wix -- 56.

Representatives voting no were: Bell, Byrd, Cain, Coffey, Copeland, Curlee, Dixon, Duer, Givens, Gunnels, Hawkins, Henry (Roane), Herron, Holcomb, Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kisber, Moore (Shelby), Naifeh, Napier, Niceley, Phillips, Pinion, Rhinehart, Robinson (Davidson), Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Whitson, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 37.

Representatives present and not voting were: Kernell -- 1.

Rep. Rhinehart moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 959 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county of the seventh class as such classes are defined in Tennessee Code Annotated, Section 8-24-101.

Rep. Davidson moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 49 |
| Noes. | 41 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Gaia, Good, Gunnels, Halteman, Harrill, Haun, Head, Henry (Putnam), Hobbs, Holt, Huskey, Jones, U. (Shelby), Kent, King, McDaniel, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner, L. (Shelby), Webb, West, Williams -- 49.

Representatives voting no were: Armstrong, Bell, Byrd, Cain, Coffey, Copeland, Curlee, DePriest, Duer, Givens, Hassell, Hawkins, Henry (Roane), Herron, Hillis, Holcomb, Hubbard, Jackson, Jones, R. (Shelby), Kisber, Love, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 41.

Representatives present and not voting were: Ellis -- 1.

Rep. Naifeh moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 959 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1980 federal census or any subsequent federal census of:

| | |
|----------------------|----------------------|
| <u>not less than</u> | <u>nor more than</u> |
| 32,700 | 32,760 |
| 25,300 | 25,350 |

Rep. Bivens moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 48 |
| Noes. | 43 |
| Present and not voting. | 2 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Ellis, Good, Halteman, Harrill, Haun, Head, Henry (Putnam), Hobbs, Huskey, Jones, U. (Shelby), Kent, King, Love, McAfee, McDaniel, Moody, Moore

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(Lawrence), Niceley, Nuber, Odom, Peroulas, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner, L. (Shelby), Webb, West, Williams -- 48.

Representatives voting no were: Bell, Byrd, Cain, Coffey, Copeland, Crain, Curlee, DePriest, Dixon, Duer, Givens, Gunnels, Hassell, Hawkins, Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kisber, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 43.

Representatives present and not voting were: Kernell, Miller -- 2.

CHANGE VOTE

MR. SPEAKER: I request to be recorded as voting no on the motion to table Amendment No. 1 to Senate Bill No. 959.

Rep. Roscoe Dixon

REGULAR CALENDAR, CONTINUED

Rep. Hawkins moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 959 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1980 federal census or any subsequent federal census of:

| <u>not less than</u> | <u>nor more than</u> |
|----------------------|----------------------|
| 50,175 | 50,275 |
| 16,360 | 16,450 |
| 13,700 | 13,760 |

Rep. Davidson moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

| | |
|----------------------------------|----|
| Ayes | 48 |
| Noes | 42 |
| Present and not voting | 3 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Ellis, Gaia, Good, Harrill, Haun, Head, Henry (Putnam), Hobbs, Huskey, Kent, King, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner, L. (Shelby), Webb, West, Williams -- 48.

Representatives voting no were: Bell, Byrd, Cain, Coffey, Copeland, Crain, Curlee, DePriest, Dixon, Duer, Givens, Gunnels, Hassell, Hawkins, Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kisber, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Stallings, Stamps, Turner, C. (Shelby), Ussery, Wheeler, Whitson, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 42.

Representatives present and not voting were: Kernell, Miller, Turner (Hamilton) -- 3.

Rep. Givens moved to amend as follows:

Amendment No. 4

Amend Senate Bill No. 959 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 43,700 nor more than 43,800 according to the 1980 federal census or any subsequent federal census.

Rep. Davidson moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 48 |
| Noes. | 44 |
| Present and not voting. | 2 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Ellis, Gaia, Good, Halteman, Harrill, Haun, Head, Henry (Putnam), Hobbs, Huskey, Jones, U. (Shelby), Kent, King, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Niceley, Nuber, Peroulas, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Starnes, Turner, L. (Shelby), Webb, West, Williams -- 48.

Representatives voting no were: Bell, Byrd, Cain, Coffey, Copeland, Crain, Curlee, Dixon, Duer, Givens, Gunnels, Hassell, Hawkins, Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard,

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Jackson, Jones, R. (Shelby), Kernell, Kisber, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Shirley, Stallings, Stamps, Turner, C. (Shelby), Ussery, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 44.

Representatives present and not voting were: Miller, Turner (Hamilton) -- 2.

Rep. Head moved the previous question, which motion failed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 55 |
| Noes. | 40 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Gaia, Good, Halteman, Harrill, Hassell, Haun, Head, Hobbs, Huskey, Kent, King, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner, L. (Shelby), Webb, West, Wheeler, Williams, Winningham, Wix -- 55.

Representatives voting no were: Bell, Byrd, Cain, Coffey, Copeland, Curlee, Dixon, Duer, Givens, Gunnels, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kisber, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Ussery, Whitson, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 40.

Representatives present and not voting were: Kernell -- 1.

Rep. Stallings moved to amend as follows:

Amendment No. 5

Amend Senate Bill No. 959 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 23,850 nor more than 23,900 according to the 1980 federal census or any subsequent federal census.

Rep. Davidson moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

| | |
|----------------------------------|----|
| Ayes | 50 |
| Noes | 42 |
| Present and not voting | 3 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Ellis, Gaia, Good, Halteman, Harrill, Haun, Head, Henry (Putnam), Hobbs, Huskey, Jones, U. (Shelby), Kent, King, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner, L. (Shelby), Webb, West, Williams -- 50.

Representatives voting no were: Bell, Byrd, Cain, Coffey, Copeland, Crain, Curlee, DePriest, Dixon, Duer, Givens, Gunnels, Hassell, Hawkins, Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kisber, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Stallings, Stamps, Turner, C. (Shelby), Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 42.

Representatives present and not voting were: Kernell, Miller, Turner (Hamilton) -- 3.

Rep. Pinion moved to amend as follows:

Amendment No. 6

Amend Senate Bill No. by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1980 federal census or any subsequent federal census of:

| | |
|----------------------|----------------------|
| <u>not less than</u> | <u>nor more than</u> |
| 37,760 | 32,800 |
| 7,450 | 7,500 |

Rep. Davidson moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

| | |
|----------------------------------|----|
| Ayes | 49 |
| Noes | 43 |
| Present and not voting | 2 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Cross, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Gaia, Good,

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Halteman, Harrill, Haun, Head, Hobbs, Huskey, Jones, U. (Shelby), Kent, King, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner, L. (Shelby), Webb, West, Williams -- 49.

Representatives voting no were: Bell, Buck, Byrd, Cain, Coffey, Copeland, Crain, Curlee, Dixon, Duer, Givens, Gunnels, Hassell, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kisber, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Stallings, Stamps, Turner, C. (Shelby), Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 43.

Representatives present and not voting were: Miller, Turner (Hamilton) -- 2.

Rep. Cain moved to amend as follows:

Amendment No. 7

Amend Senate Bill No. 959 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 770,000 nor more than 780,000 according to the 1980 federal census or any subsequent federal census.

Rep. Davidson moved that Amendment No. 7 be tabled, which motion failed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 47 |
| Noes. | 47 |
| Present and not voting. | 2 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Ellis, Gaia, Good, Halteman, Harrill, Haun, Head, Hobbs, Huskey, Kent, King, Love, McAfee, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Starnes, Turner, L. (Shelby), Webb, West, Wheeler, Williams -- 47.

Representatives voting no were: Bell, Buck, Byrd, Cain, Coffey, Copeland, Crain, Curlee, DePriest, Dixon, Duer, Givens, Gunnels, Hassell, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Moore (Shelby), Naifeh, Napier,

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Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Shirley, Stallings, Stamps, Turner, C. (Shelby), Ussery, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 47.

Representatives present and not voting were: Miller, Turner (Hamilton) -- 2.

Thereupon, Rep. Cain renewed his motion to adopt Amendment No. 7.

Rep. Robinson (Davidson) moved the previous question, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 68 |
| Noes. | 28 |

Representatives voting aye were: Anderson, Bell, Bragg, Buck, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Hassell, Hawkins, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kernell, Kisber, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Sipes, Stallings, Stamps, Turner, C. (Shelby), Turner, L. (Shelby), Webb, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 68.

Representatives voting no were: Armstrong, Bittle, Bivens, Callicott, Chiles, Davis (Knox), DeBerry, Ellis, Halteman, Harrill, Haun, Head, Herron, Jones, U. (Shelby), Kent, King, Love, McAfee, McDaniel, Niceley, Nuber, Peroulas, Scruggs, Severance, Turner (Hamilton), Ussery, West -- 28.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on motion to table Amendment No. 7 to Senate Bill No. 959, and have this statement entered in the Journal.

Rep. Steve McDaniel

REGULAR CALENDAR, CONTINUED

Thereupon, Rep. Cain renewed his motion to adopt Amendment No. 7, which motion failed by the following vote:

| | |
|---------------|----|
| Ayes. | 54 |
| Noes. | 51 |

Representatives voting aye were: Bell, Buck, Byrd, Cain, Coffey, Copeland, Crain, Curlee, Dixon, Duer, Gaia, Givens, Gunnels, Hassell, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kernell, Kisber, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Shirley, Stallings, Stamps, Turner, C. (Shelby), Ussery, Whitson, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 45.

Representatives voting no were: Anderson, Armstrong, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Good, Halteman, Harrill, Haun, Head, Hobbs, Huskey, Jones, U. (Shelby), Kent, King, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Starnes, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Williams -- 51.

Rep. Duer moved to amend as follows:

Amendment No. 8

Amend Senate Bill No. 959 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1980 federal census or any subsequent federal census of:

| <u>not less than</u> | <u>nor more than</u> |
|----------------------|----------------------|
| 24,230 | 24,245 |
| 38,300 | 38,315 |
| 13,760 | 13,860 |

Rep. Davidson moved that Amendment No. 8 be tabled, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 50 |
| Noes. | 40 |
| Present and not voting. | 2 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Gaia, Good, Halteman, Harrill, Haun, Head, Hobbs, Huskey, Jones, U. (Shelby), Kent, King, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Purcell, Ridgeway, Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner, L. (Shelby), Webb, West, Wheeler, Williams -- 50.

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Representatives voting no were: Bell, Buck, Byrd, Cain, Coffey, Copeland, Curlee, Dixon, Duer, Gunnels, Hassell, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kisber, Naifeh, Napier, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Stallings, Stamps, Turner, C. (Shelby), Ussery, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 40.

Representatives present and not voting were: Miller, Turner (Hamilton) -- 2.

Rep. Davidson moved the previous question, which motion failed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 61 |
| Noes. | 35 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Clark, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Gaia, Good, Halteman, Harrill, Hassell, Haun, Head, Hillis, Hobbs, Huskey, Jones, U. (Shelby), Kent, King, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Napier, Niceley, Nuber, Odom, Peroulas, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Williams, Winningham, Wix -- 61.

Representatives voting no were: Bell, Byrd, Cain, Coffey, Copeland, Curlee, Dixon, Duer, Givens, Gunnels, Hawkins, Henry (Putnam), Henry (Roane), Herron, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kisber, Moore (Shelby), Naifeh, Phillips, Pinion, Rhinehart, Robinson (Davidson), Stallings, Stamps, Turner, C. (Shelby), Ussery, Whitson, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 35.

Representatives present and not voting were: Kernell -- 1.

Rep. Holcomb moved to amend as follows:

Amendment No. 9

Amend Senate Bill No. 959 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 143,900 nor more than 144,000 according to the 1980 federal census or any subsequent federal census.

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Rep. Davidson moved that Amendment No. 9 be tabled, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 48 |
| Noes. | 43 |
| Present and not voting. | 3 |

Representatives voting aye were: Anderson, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Cross, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Gaia, Good, Halteman, Harrill, Haun, Head, Hobbs, Huskey, Kent, King, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner, L. (Shelby), Webb, West, Wheeler, Williams -- 48.

Representatives voting no were: Bell, Buck, Byrd, Cain, Coffey, Copeland, Crain, Curlee, Dixon, Duer, Givens, Gunnels, Hassell, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kisber, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Stallings, Stamps, Turner, C. (Shelby), Ussery, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 43.

Representatives present and not voting were: Kernell, Miller, Turner (Hamilton) -- 3.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on the motion to table Amendment No. 9 to Senate Bill No. 959, and have this statement entered in the Journal.

Rep. Joe Armstrong

REGULAR CALENDAR, CONTINUED

Rep. Phillips moved to amend as follows:

Amendment No. 10

Amend Senate Bill No. 959 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 27,900 nor more than 27,920 according to the 1980 federal census or any subsequent federal census.

Rep. Davidson moved that Amendment No. 10 be tabled, which motion failed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 47 |
| Noes. | 47 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Ellis, Good, Halteman, Harrill, Haun, Head, Hobbs, Huskey, Jones, U. (Shelby), Kent, King, McAfee, McDaniel, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner, L. (Shelby), Webb, West, Williams -- 47.

Representatives voting no were: Bell, Buck, Byrd, Cain, Coffey, Copeland, Crain, Curlee, Dixon, Duer, Gaia, Givens, Gunnels, Hassell, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kernell, Kisber, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Ussery, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 47.

Representatives present and not voting were: Miller -- 1.

Thereupon, Rep. Phillips move the adoption of Amendment No. 10, which motion failed by the following vote:

| | |
|---------------|----|
| Ayes. | 44 |
| Noes. | 50 |

Representatives voting aye were: Bell, Buck, Byrd, Cain, Coffey, Copeland, Crain, Curlee, Dixon, Duer, Gaia, Givens, Gunnels, Hassell, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kernell, Kisber, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Pruitt, Robinson (Davidson), Stallings, Stamps, Turner, C. (Shelby), Ussery, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 44.

Representatives voting no were: Anderson, Armstrong, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Ellis, Good, Halteman, Harrill, Haun, Head, Hobbs, Huskey, Jones, U. (Shelby), Kent, King, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Williams -- 50.

Rep. Herron moved to amend as follows:

Amendment No. 11

Amend Senate Bill No. 959 in the third paragraph of the amendatory language of Section 1 by deleting the third sentence and by substituting instead the following:

A waiver of this requirement shall be granted upon a resolution passed by two-thirds (2/3) vote by a local school board.

Rep. Bragg moved that Amendment No. 11 be tabled, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 53 |
| Noes. | 44 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Gaia, Good, Halteman, Harrill, Haun, Head, Hobbs, Huskey, Jones, U. (Shelby), Kent, King, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Starnes, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Williams, Wix -- 53.

Representatives voting no were: Bell, Buck, Byrd, Cain, Coffey, Copeland, Crain, Curlee, Dixon, Duer, Givens, Gunnels, Hassell, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kernell, Kisber, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Shirley, Stallings, Stamps, Turner, C. (Shelby), Ussery, Whitson, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 44.

Rep. Coffey moved to amend as follows:

Amendment No. 12

Amend Senate Bill No. 959 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any municipality having a population of not less than 27,600 nor more than 27,700 in any county having a population of not less than 67,300 nor more than 67,400, according to the 1980 federal census or any subsequent federal census.

MOTION TO RECESS

Rep. Rhinehart moved that, pursuant to Rule No. 76, the House stand in recess until 9:00 a.m., Thursday, March 30, 1989, which motion failed by the following vote:

| | |
|---------------|----|
| Ayes. | 33 |
| Noes. | 64 |

Representatives voting aye were: Bell, Byrd, Cain, Coffey, Copeland, Curlee, Dixon, Duer, Givens, Gunnels, Henry (Roane), Herron, Holcomb, Hubbard, Jackson, Kernell, Kisber, Moore (Shelby), Naifeh, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Stallings, Stamps, Turner, C. (Shelby), Ussery, Whitson, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 33.

Representatives voting no were: Anderson, Armstrong, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Clark, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Gaia, Good, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Hillis, Hobbs, Holt, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Napier, Niceley, Nuber, Odom, Peroulas, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Williams, Winningham, Wix -- 64.

REGULAR CALENDAR, CONTINUED

Rep. Davidson moved that Amendment No. 12 be tabled, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 50 |
| Noes. | 43 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Gaia, Good, Halteman, Harrill, Haun, Head, Hobbs, Huskey, Kent, King, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Williams -- 50.

Representatives voting no were: Bell, Buck, Byrd, Cain, Coffey, Copeland, Crain, Curlee, Dixon, Duer, Givens, Gunnels, Hassell, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kisber, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Rhinehart, Robinson

(Davidson), Stallings, Stamps, Turner, C. (Shelby), Ussery, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 43.

Representatives present and not voting were: Miller -- 1.

Rep. Naifeh moved to amend as follows:

Amendment No. 13

Amend Senate Bill No. 959 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. This act shall have no effect unless it is approved by a majority of the number of qualified voters of the school district voting in an election on the question of whether or not the act should be approved. The ballots used in the regular election to be held in August 1990 shall have printed on them the substance of this act of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

SECTION _____. For the purpose of approving or rejecting the provisions of this act, as provided above, it shall be effective upon becoming a law, but for all other purposes it shall be effective only upon being approved as provided above.

Rep. Davidson moved that Amendment No. 13 be tabled, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 54 |
| Noes. | 42 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Callicott, Chiles, Clark, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Gaia, Good, Halteman, Harrill, Hassell, Haun, Head, Hobbs, Huskey, Kent, King, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Pruitt, Purcell, Ridgeway, Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams -- 54.

Representatives voting no were: Bell, Buck, Byrd, Cain, Coffey, Copeland, Crain, Curlee, Dixon, Duer, Givens, Gunnels, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Rhinehart, Robinson (Davidson), Stallings, Stamps, Turner, C. (Shelby), Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 42.

Rep. Buck moved the previous question, which motion failed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 60 |
| Noes. | 32 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Clark, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ellis, Gaia, Good, Halteman, Harrill, Hassell, Haun, Head, Hobbs, Holt, Huskey, Jones, U. (Shelby), Kent, King, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Pruitt, Purcell, Ridgeway, Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Williams, Winningham, Wix, Wood -- 60.

Representatives voting no were: Bell, Byrd, Cain, Coffey, Curlee, Duer, Givens, Gunnels, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Hubbard, Jackson, Jones, R. (Shelby), Kisber, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Rhinehart, Robinson (Davidson), Stallings, Stamps, Turner, C. (Shelby), Whitson, Wolfe, Yelton, Mr. Speaker Murray -- 32.

Representatives present and not voting were: Kernell -- 1.

Rep. McAfee moved the previous question, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 63 |
| Noes. | 30 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Good, Halteman, Harrill, Hassell, Haun, Head, Hobbs, Huskey, Jones, U. (Shelby), Kent, King, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Napier, Niceley, Nuber, Odom, Peroulas, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Starnes, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Williams, Winningham, Wix -- 63.

Representatives voting no were: Bell, Byrd, Cain, Coffey, Duer, Givens, Gunnels, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kisber, Moore (Shelby), Phillips, Pinion, Rhinehart, Stallings, Stamps, Turner, C. (Shelby), Whitson, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 30.

Representatives present and not voting were: Kernell -- 1.

Thereupon, Rep. Davidson moved passage of Senate Bill No. 959 on third and final consideration, which motion failed by the following vote:

| | |
|---------------|----|
| Ayes. | 48 |
| Noes. | 49 |

Representatives voting aye were: Armstrong, Bittle, Bivens, Bragg, Callicott, Chiles, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Ellis, Good, Halteman, Harrill, Haun, Head, Hobbs, Huskey, Jones, U. (Shelby), Kent, King, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Niceley, Nuber, Odom, Peroulas, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Starnes, Turner (Hamilton), Turner, L. (Shelby), West, Wheeler, Whitson, Williams -- 48.

Representatives voting no were: Anderson, Bell, Buck, Byrd, Cain, Clark, Coffey, Copeland, Crain, Curlee, DePriest, Dixon, Duer, Gaia, Givens, Gunnels, Hassell, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kernell, Kisber, Moore (Shelby), Naifeh, Napier, Phillips, Pinion, Rhinehart, Robinson (Davidson), Shirley, Sipes, Stallings, Stamps, Turner, C. (Shelby), Ussery, Webb, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 49.

Pursuant to Rule No. 39, Senate Bill No. 959, having failed to receive a constitutional majority, was re-referred to the Calendar and Rules Committee.

House Bill No. 0286 -- Public Service Commission -- Revises procedures for suspending or revoking certificates of convenience, interstate permits or contract hauler's permits of motor carriers. Amends TCA 65-15-112.

Rep. Ridgeway moved that House Bill No. 286 be passed on third and final consideration.

Rep. Yelton moved to amend as follows:

Amendment No. 1

Amend House Bill 286 by deleting the phrase "state and

local taxes" wherever it may appear and by substituting the phrase, "city and county taxes" in lieu thereof.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Ridgeway moved that House Bill No. 286, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 90 |
| Noes. | 2 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

Representatives voting no were: Callicott, Stamps -- 2.

Representatives present and not voting were: Sipes -- 1.

A motion to reconsider was tabled.

House Bill No. 0441 -- County Government -- Increases number of persons who may be appointed to serve on county board of public utilities. Amends TCA, Title 5, Ch. 16.

Rep. Wheeler moved that House Bill No. 441 be passed on third and final consideration.

Rep. Wheeler moved to amend as follows:

Amendment No. 1

Amend House Bill No. 441 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 5-16-103(f), is amended by deleting subdivision (2) in its

entirety and by substituting instead the following:

(2) In any county having a population of:

not less than
67,300

nor more than
67,400

according to the 1980 federal census or any subsequent federal census, the county legislative body may provide for compensation of not more than one hundred dollars (\$100) for a monthly meeting for such members upon approval by a two-thirds (2/3) vote of the county legislative body to which this subdivision may apply. The approval or nonapproval of this subdivision shall be proclaimed by the presiding officer of such county legislative body and certified by him to the secretary of state. If the county legislative body provides compensation for such members, the members shall also adopt a resolution which ratifies the compensation before any such compensation may be paid.

Section _____. Tennessee Code Annotated, Section 5-16-103, is amended by adding a new subsection thereto, as follows:

() Notwithstanding any provision of law to the contrary, in any county having a population of not less than sixty-seven thousand three hundred (67,300) nor more than sixty-seven thousand four hundred (67,400) according to the 1980 federal census or any subsequent federal census, the county executive may appoint members of the county legislative body to serve upon the board; such members shall be subject to confirmation as aforementioned.

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Wheeler moved that House Bill No. 441, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 95 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Clark,

Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 0391 -- Adoption -- Revises adoption law relative to the time when sealed adoption records may be searched and certain information therein released. Amends TCA, Title 36, Ch. 1, Pt. 1.

Rep. Buck moved that House Bill No. 391 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

Amendment No. 1

Amend House Bill No. 391 by deleting SECTIONS 2, 3, and 4 in their entirety and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 36-1-139, is amended by designating the present language as subsection (a) and by adding the following subsection (b):

(b)(1) Upon written petition of a person eighteen (18) years of age or older who has not been adopted, the department of human services shall search the sealed adoption records in its possession for information concerning the location of the petitioner's brother, half-brother, sister, or half-sister.

(2) Upon locating the petitioner's sibling, if such sibling is eighteen (18) years of age or older, the department of human services shall notify the sibling of the inquiry. Upon written consent of the sibling, the department shall forward the petitioner's name and address to the sibling, and upon further written consent of the sibling, shall divulge to the petitioner the present name and address of the sibling.

(3) Upon location of the sibling, if such sibling is less than eighteen (18) years of age, the department shall notify the adoptive parents of such sibling of the inquiry. Upon the written consent of the adoptive parents, the department shall forward the petitioner's name and address to such parents, and upon further written consent of the adoptive parents, shall divulge to the petitioner the present name and address of the sibling and the adoptive parents.

(4) If the sibling is deceased, or cannot be identified or located, the department shall notify the petitioner of such circumstances, but shall not disclose any name or other information which would tend to identify the sibling.

SECTION 3. Tennessee Code Annotated, Section 36-1-141, is amended by deleting the present language of subsection (a)(3) and substituting instead the following:

If, after a diligent search, including the sending of notice to the last known mailing address of the biological parents, the biological parents, or either of them, cannot be located, the department shall inform the adopted person of this fact in writing with a copy of such correspondence being sent to the office of vital records of the department of health and environment. The adopted person may then submit to the office of vital records the correspondence or a copy thereof from the department of human services and the amount of fee charged by the office of vital records for opening the sealed file and issuing a certified copy of the adopted person's original birth certificate. Notwithstanding the provisions of Tennessee Code Annotated, Section 68-3-313, upon receipt of this correspondence and fee, the office of vital records shall provide the adopted person with a certified copy of such adopted person's original birth certificate.

SECTION 4. Tennessee Code Annotated, Section 36-1-141, is amended by deleting subsection (b) in its entirety and appropriately redesignating the following subsection.

SECTION 5. Tennessee Code Annotated, Section 36-1-141, is amended by deleting the last sentence of subsection (c) in its entirety.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. L. Turner (Shelby) moved to amend as follows:

Amendment No. 2

Amend House Bill No. 391 by deleting from the amendatory language of Section 2 the word, figures and punctuation "eighteen (18)" wherever they appear and by substituting instead the words, figures and punctuation "twenty-one (21)".

On motion, Amendment No. 2 was adopted.

Rep. Ellis moved the previous question, which motion prevailed.

Thereupon, Rep. Buck moved that House Bill No. 391, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 72 |
| Noes. | 18 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bivens, Bragg, Buck, Byrd, Cain, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Ellis, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kernell, Kisber, Love, McDaniel, Miller, Moody, Moore (Lawrence), Naifeh, Napier, Nuber, Odom, Peroulas, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Sipes, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Yelton, Mr. Speaker Murray -- 72.

Representatives voting no were: Bittle, Callicott, Chiles, Coffey, Davis (Cocke), DeBerry, Haun, Huskey, Kent, McAfee, Moore (Shelby), Niceley, Phillips, Robinson (Washington), Scruggs, Severance, Stallings, Wood -- 18.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Resolution No. 0011 -- Memorials, Public Service -- Honors Lola Woolridge for 40 years of service to the state.

House Joint Resolution No. 0186 -- Memorials, Heroism -- Honors the "Tough Ombres" of the fighting 90th Infantry Division.

House Joint Resolution No. 0188 -- Memorials, Condolence -- Honors memory of James Harrison Burke.

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House Joint Resolution No. 0189 -- Memorials, Public Service -- Honors Reverend Herman Powell.

Senate Joint Resolution No. 0148 -- Memorials, Professional Achievement -- Honors Frank B. Gianotti, III.

Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, and that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 97 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

MOTION TO RECONSIDER

Rep. Kisber moved to lift from the table the motion to reconsider House Bill No. 271.

House Bill No. 0271 -- Municipal Government -- Authorizes merger of contiguous municipalities by various methods. Amends TCA 6-1-201, 202.

Rep. Kisber moved to reconsider action on House Bill No. 271, which motion prevailed.

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Rep. Kisber moved to reconsider our action in concurring in Senate Amendment No. 1, which motion prevailed.

On motion, the House nonconcurred in Senate Amendment No. 1.

HOUSE BILL REFERRED

Rep. Pruitt moved that House Bill No. 83 be recalled from the Judiciary Committee and referred to the General Welfare Committee, which motion prevailed.

RULES SUSPENDED

Rep. Cross moved that the rules be suspended for the purpose of introducing House Resolution No. 14 out of order, which motion prevailed.

House Resolution No. 0014 -- Memorials, Public Service -- Honors Judge Lee Asbury on selection as "Citizen of the Year". by *Cross, *Wheeler.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Cross, the resolution was adopted.

A motion to reconsider was tabled.

MOTION

Rep. Napier moved that House Bill(s) No(s). 1077 and 1078, local bills being held on the Clerk's desk, be placed on the Consent Calendar for Thursday, March 30, 1989, which motion prevailed.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 196: Rep(s). Callicott added as prime sponsor(s).

House Bill No. 368: Rep(s). Peroulas added as prime sponsor(s).

House Bill No. 381: Rep(s). Peroulas added as prime sponsor(s).

House Bill No. 720: Rep(s). B. Turner added as prime sponsor(s).

House Bill No. 742: Rep(s). Callicott added as prime sponsor(s).

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House Bill No. 1107: Rep(s). Coffey and Stamps added as prime sponsor(s).

House Bill No. 1119: Rep(s). Stamps added as prime sponsor(s).

House Bill No. 1193: Rep(s). Cross added as prime sponsor(s).

House Bill No. 1306: Rep(s). U. A. Moore added as sponsor(s).

House Bill No. 1394: Rep(s). Kent added as prime sponsor(s).

House Bill No. 1405: Rep(s). Callicott, R. Jones, McDaniel, C. B. Robinson and C. Turner added as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. West was removed as sponsor of House Bill No. 100.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 0012 -- Memorials, Recognition and Thanks -- Honors The Enrichment Group from Happy Valley Elementary School in Carter County. by *Hawkins.

The Speaker referred House Resolution No. 12 to the Calendar and Rules Committee.

House Joint Resolution No. 0190 -- Highway Signs -- Designates bridge on Highway 41A South crossing Kelley Creek "Ted Floyd Memorial Bridge". by *Hobbs.

The Speaker referred House Joint Resolution No. 190 to the Transportation Committee.

House Joint Resolution No. 0191 -- General Assembly, Studies -- Creates special joint committee to study impact of certain plastic products. by *Miller, *Moody, Moore U A.

The Speaker referred House Joint Resolution No. 191 to the Conservation and Environment Committee.

House Joint Resolution No. 0192 -- Memorials, Condolence -- Expresses sorrow at death of Frances Polk Johnson. by *Jones U, *King, *Dixon, *Pruitt, *Turner L, *Jones R, *DeBerry.

The Speaker referred House Joint Resolution No. 192 to the Calendar and Rules Committee.

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House Joint Resolution No. 0194 -- Memorials, Sports -- Honors Coach Rick Insell and the Shelbyville Central High School girl's basketball team on winning the national championship and the TSSAA Class AAA state title. by *Phillips.

The Speaker referred House Joint Resolution No. 194 to the Calendar and Rules Committee.

House Joint Resolution No. 0195 -- Memorials, Personal Achievement -- Honors Victoria Rae Grinder, 1988 Tennessee Miss T.E.E.N. by *Henry Dwight.

The Speaker referred House Joint Resolution No. 195 to the Calendar and Rules Committee.

House Joint Resolution No. 0197 -- Memorials, Professional Achievement -- Honors Linda Johnson, Internal Revenue Service Examiner. by *King, *Kernell, *Jones R, *Dixon, *Byrd, *Shirley, *Cain, *DeBerry, *Jones U, *Turner L, *Kent, *Williams K, Turner C, Moore U A, Hassell, Nuber, Gaia.

The Speaker referred House Joint Resolution No. 197 to the Calendar and Rules Committee.

House Joint Resolution No. 0198 -- General Assembly, Studies -- Creates special task force to re-evaluate use of death penalty. by *King, *DeBerry, *Armstrong, *Turner L, *Dixon, *Pruitt, *Burnett, *Jones U.

The Speaker referred House Joint Resolution No. 198 to the Judiciary Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Senate Joint Resolution No. 0150 -- Memorials, Sports -- Honors Vernon Osborne on becoming member of TSSAA Hall of Fame.

The Speaker referred Senate Joint Resolution No. 150 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0153 -- Memorials, Condolence -- Honors memory of former state senator James Roberson.

The Speaker referred Senate Joint Resolution No. 153 to the Calendar and Rules Committee.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 0074 -- Memorials, Government Officials -- Requests designation of trail of General John Bell

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Hood through Maury County as historic trail.

The Speaker referred Senate Joint Resolution No. 74 to the Conservation and Environment Committee.

INTRODUCTION OF BILLS

***House Bill No. 1472 -- Oneida -- Provides for bond issue and funding tax in Oneida special school district. by *Winningham.**

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 0110 -- Water Pollution -- Deletes requirement of filing administrative assessments in water pollution control and repeals permission for variance. Amends TCA, Title 69, Ch. 3.

Held on the Clerk's desk pending third consideration of companion House Bill No. 21.

Senate Bill No. 0412 -- Correctional Programs -- Makes inmate's failure to return from court ordered furlough or work release program subject to offense of escape. Amends TCA 39-5-706.

Held on the Clerk's desk pending third consideration of companion House Bill No. 991.

Senate Bill No. 0462 -- Psychologists -- Allows doctoral-level psychologists to make emergency commitments of people into psychiatric facilities. Amends TCA 33-6-103.

Held on the Clerk's desk pending third consideration of companion House Bill No. 156.

Senate Bill No. 0545 -- Corporations, Not for Profit -- Revises nonprofit corporation law. Amends TCA, Title 48, Chs. 51--68.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1012.

Senate Bill No. 1042 -- Corporations -- Revises various provisions of Tennessee Business Corporation Act. Amends TCA, Title 48, Chs. 11--27.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1011.

Senate Bill No. 1074 -- Licenses -- Excepts certain interior design services from requirements of Home Improvement Licensing Act. Amends TCA 62-37-103, 107.

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Held on the Clerk's desk pending third consideration of companion House Bill No. 1006.

Senate Bill No. 1219 -- Insurance, Motor Vehicles -- Authorizes recovery under uninsured motorist coverage in certain circumstances. Amends TCA 56-7-1201.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1015.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1471 -- Firearms and Ammunition -- Passed second consideration and referred to the Judiciary Committee.

REPORTS FROM STANDING COMMITTEES

AGRICULTURE

March 28, 1989

MR. SPEAKER: Your Agriculture Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 1284 (as amended).

We further recommend that, pursuant to Rule No. 72, House Bill(s) No(s). 1404 (as amended) be referred to the Finance, Ways and Means Committee.

STALLINGS, Chairman.

Under the rules, House Bill(s) No(s). 1284 (as amended); was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred House Bill(s) No(s). 1404 (as amended) to the Finance, Ways and Means Committee.

COMMERCE

March 28, 1989

MR. SPEAKER: Your Commerce Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 193 (as amended), 315, 726 (as amended), 797 (as amended), 928, 1011 (as amended), 1012 (as amended), 1017, 1089 and 1269.

RHINEHART, Chairman.

Under the rules, House Bill(s) No(s). 193 (as amended), 315, 726 (as amended), 797 (as amended), 928, 1011 (as amended), 1012 (as amended), 1017, 1089 and 1269; was/were transmitted to the Calendar and Rules Committee.

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EDUCATION

March 28, 1989

MR. SPEAKER: Your Education Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 1210.

We further recommend that, pursuant to Rule No. 72, House Bill(s) No(s). 49 be referred to the Finance, Ways and Means Committee.

We further report that the following was/were considered but failed to pass: House Bill No. 489.

DAVIDSON, Chairman.

Under the rules, House Bill(s) No(s). 1210; was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72 the Speaker referred House Bill(s) No(s). 49 to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

March 28, 1989

MR. SPEAKER: Your Finance, Ways and Means Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 652 and 1309.

BRAGG, Chairman.

Under the rules, House Bill(s) No(s). 652 and 1309; was/were transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

March 28, 1989

MR. SPEAKER: Your Government Operations Committee begs leave to report that we have carefully considered and recommend for concurrence: Senate Joint Resolution(s) No(s). 63.

KING, Chairman.

Under the rules, Senate Joint Resolution(s) No(s). 63; was/were transmitted to the Calendar and Rules Committee.

WEDNESDAY, MARCH 29, 1989 -- TWENTY-SIXTH LEGISLATIVE DAY

JUDICIARY

March 28, 1989

MR. SPEAKER: Your Judiciary Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 59, 894, 895, 905, 995, 1090, 1127 (as amended), 1219, 1285 (as amended), 1359, 1361, 1383, and 1384.

We further recommend that, pursuant to Rule No. 72, House Bill(s) No(s). 66, 531, 560, 803 (as amended) and 1203 be referred to the Committee on Finance, Ways and Means.

BUCK, Chairman.

Under the rules, House Bill(s) No(s). 59, 894, 895, 905, 995, 1090, 1127 (as amended), 1219, 1285 (as amended), 1359, 1361, 1383, and 1384; was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred House Bill(s) No(s). 66, 531, 560, 803 (as amended) and 1203 to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT

March 28, 1989

MR. SPEAKER: Your State and Local Government Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 361 (as amended), 415 (as amended), 449 (as amended), 578, 588 (as amended), 589, 591 (as amended), 592 (as amended), 696, 814, 997 (as amended), 1131, 1135 (as amended), 1151, 1162, 1225, 1306 and 1441.

We further recommend that, pursuant to Rule No. 72, House Bill(s) No(s). 102 (as amended), 813 and 815 be referred to the Finance, Ways and Means Committee.

MILLER, Chairman.

Under the rules, House Bill(s) No(s). 361 (as amended), 415 (as amended), 449 (as amended), 578, 588 (as amended), 589, 591 (as amended), 592 (as amended), 696, 814, 997 (as amended), 1131, 1135 (as amended), 1151, 1162, 1225, 1306 and 1441; was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred House Bill(s) No(s). 102 (as amended), 813 and 815; to the Finance, Ways and Means Committee.

TRANSPORTATION

March 28, 1989

MR. SPEAKER: Your Transportation Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 977 (as amended) and 1310.

ROBINSON, Chairman.

Under the rules, House Bill(s) No(s). 977 (as amended) and 1310; was/were transmitted to the Calendar and Rules Committee.

CONSERVATION AND ENVIRONMENT

March 29, 1989

MR. SPEAKER: Your Conservation and Environment Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 297, 298 (as amended), 299 and 1201 (as amended).

HILLIS, Chairman.

Under the rules, House Bill(s) No(s). 297, 298 (as amended), 299 and 1201 (as amended); was/were transmitted to the Calendar and Rules Committee.

GENERAL WELFARE

March 29, 1989

MR. SPEAKER: Your General Welfare Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 155 (as amended), 178 (as amended), 523, 646, 649, 823, 857, 1075, 1174, 1177, 1185 (as amended) and 1353.

We further recommend that, pursuant to Rule No. 72, House Bill(s) No(s). 45, 807, 817 (as amended) and 819 be referred to the Finance, Ways and Means Committee.

STARNES, Chairman.

Under the rules, House Bill(s) No(s). 155 (as amended), 178 (as amended), 523, 646, 649, 823, 857, 1075, 1174, 1177, 1185 (as amended) and 1353; was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred House Bill(s) No(s). 45, 807, 817 (as amended) and 819 to the Finance, Ways and Means Committee.

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LABOR AND CONSUMER AFFAIRS

March 29, 1989

MR. SPEAKER: Your Labor and Consumer Affairs Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 322, 656 and 1071; for adoption: House Joint Resolution(s) No(s). 56.

We further recommend that, pursuant to Rule No. 72, House Bill(s) No(s). 162 (as amended); be referred to the Finance, Ways and Means Committee.

ELLIS, Chairman.

Under the rules, House Bill(s) No(s). 322, 656 and 1071; and House Joint Resolution(s) No(s). 56; was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred House Bill(s) No(s). 162 (as amended) to the Finance, Ways and Means Committee.

ENROLLED BILLS

March 29, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 149, 191, 429, 637, 1039, 1042 and 1446; and House Joint Resolution(s) No(s). 152, 156, 157, 159, 160, 162, 164, 168, 171 and 179; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

March 29, 1989

The Speaker announced that he had signed the following: House Bill(s) No(s). 149, 191, 429, 637, 1039, 1042 and 1446; and House Joint Resolution(s) No(s). 152, 156, 157, 159, 160, 162, 164, 168, 171 and 179.

MESSAGE FROM THE GOVERNOR

March 29, 1989

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill(s) No(s). 16, 60, 300, 633, 641, 729 and 934; and House Joint

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Resolution(s) No(s). 96, 140, 141, 142, 161 and 163, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

**ENGROSSED BILLS
March 29, 1989**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 196, 200, 201 and 202; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENGROSSED BILLS
March 29, 1989**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 381, 458, 680 and 853; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENROLLED BILLS
March 29, 1989**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 13; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
March 29, 1989**

The Speaker announced that he had signed the following: House Resolution(s) No(s). 13.

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MESSAGE FROM THE SENATE

March 29, 1989

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 196, 200, 201 and 202; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

March 29, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 669, 811 and 1422; and find same correctly engrossed and ready for the transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENROLLED BILLS

March 29, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 196; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

March 29, 1989

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 196.

ENGROSSED BILLS

March 29, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 368 and 530; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

WEDNESDAY, MARCH 29, 1989 -- TWENTY-SIXTH LEGISLATIVE DAY

**MESSAGE FROM THE SENATE
March 29, 1989**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 196; signed by the Speaker.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

**MESSAGE FROM THE SENATE
March 29, 1989**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 900; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

**ENGROSSED BILLS
March 29, 1989**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 996; and House Joint Resolution(s) No(s). 204; and find same correctly engrossed and ready for transmission to the Senate.

**BETTY KAY FRANCIS,
Chief Engrossing Clerk.**

**ENROLLED BILLS
March 29, 1989**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 200, 201 and 202; and find same correctly enrolled and ready for the signatures of the Speakers.

**BETTY KAY FRANCIS,
Chief Engrossing Clerk.**

**SIGNED
March 29, 1989**

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 200, 201 and 202.

WEDNESDAY, MARCH 29, 1989 -- TWENTY-SIXTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

March 29, 1989

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 200, 201 and 202; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 29, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 200, 201 and 202; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 29, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 196; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 29, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1192; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 29, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 290, 401, 413, 643, 661 and 877; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

WEDNESDAY, MARCH 29, 1989 -- TWENTY-SIXTH LEGISLATIVE DAY

***Senate Bill No. 0290 -- Welfare -- Provides for participation in AFDC unemployed parents program. Amends TCA, Title 71, Ch. 3.**

Senate Bill No. 0401 -- Tort Liability -- Exempts donors of food from certain liability.

***Senate Bill No. 0413 -- Correctional Programs -- Gives court the authority to place an inmate on work release if the jail or workhouse does not have work release program. Amends TCA, Title 40, Ch. 35.**

***Senate Bill No. 0643 -- DUI/DWI Offenses -- Authorizes persons convicted of DUI for first time to remove litter from public streets in lieu of incarceration. Amends TCA 55-10-403.**

***Senate Bill No. 0661 -- Correctional Programs -- Gives court authority to grant furloughs if a jail or workhouse does not have a furlough program. Amends TCA, Title 40, Ch. 35.**

***Senate Bill No. 0877 -- Architects and Engineers -- Revises certain provisions relative to the requirements for licensure as architect, engineer, or landscape architect. Amends TCA 62-2-102, 103, 62-2-306.**

ENGROSSED BILLS

March 29, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 286, 391 and 441; and House Joint Resolution(s) No(s). 186, 188 and 189; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

REPORT OF COMMITTEE ON CALENDAR AND RULES

March 28, 1989

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, March 30, 1989: House Bill(s) No(s). 197, 319, 597, 467, 311, 761, 762, 1282, 1338, 915, 1136, 443, 389, 154 and 34.

PHILLIPS, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

March 28, 1989

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar

WEDNESDAY, MARCH 29, 1989 -- TWENTY-SIXTH LEGISLATIVE DAY

for Monday, April 3, 1989: House Bill(s) No(s). 1096, 38, 840, 852, 841, 393, 859, 21 and 525.

PHILLIPS, Chairman.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
March 28, 1989**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, April 3, 1989: House Bill(s) No(s). 1205, 1056, 776 and 827.

PHILLIPS, Chairman.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
March 29, 1989**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, April 5, 1989: House Bill(s) No(s). 1054, 156, 1163, 1411, 475, 1040, 932, 1029, 737, 1018, 1050, 474, 473 and 970.

PHILLIPS, Chairman.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
March 29, 1989**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, April 6, 1989: House Bill(s) No(s). 872, 408, 697, 867, 919 and 328.

PHILLIPS, Chairman.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES
March 29, 1989**

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1297.

WEDNESDAY, MARCH 29, 1989 -- TWENTY-SIXTH LEGISLATIVE DAY

REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
March 29, 1989

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, April 3, 1989: House Bill(s) No(s). 1095, 1193, 620, 1126, 71, 399, 409 and 698; House Joint Resolution(s) No(s). 192, 194, 195 and 197; House Bill(s) No(s). 1297; and Senate Joint Resolution(s) No(s). 150 and 153.

PHILLIPS, Chairman.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

On motion of Rep. Naifeh, the House adjourned until 9:00 a.m., Thursday, March 30, 1989.